

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMIE HOGUE,

Plaintiff,

v.

KEY FOOD STORES CO-OPERATIVE, INC.,
HUNTING RIDGE FARMS LLC, SAMUEL
HASSAN, individually, and JAMES a/k/a "JIMMY"
JOYCE, individually,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/11/2021

Civil Action No.
7:18-9580 (NSR)

NOTICE OF MOTION TO DISMISS COMPLAINT

PLEASE TAKE NOTICE, that upon the accompanying Certification of Scott M. Wich, Esq., dated May 7, 2021, and the exhibits annexed thereto, the memorandum of law, dated May 7, 2021, and upon all prior pleadings and proceedings had herein, and pursuant to the leave granted to file this motion as ordered by the Court on April 16, 2021 (ECF No. 39),

Defendant Key Food Stores Co-operative, Inc. ("Defendant"), by and through its attorneys, Clifton Budd & DeMaria, LLP, will move this Court, before the Honorable Nelson Stephen Román, at the United States District Court, Southern District of New York, located at 300 Quarropas Street, White Plains, New York 10601, on a date and time to be designated by the Court, for an order and judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety as against Defendant, with prejudice, for failure to state a cause of action, entering judgment for Defendant, and grant Defendant its costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
May 7, 2021

Respectfully submitted,

s/ Scott M. Wich

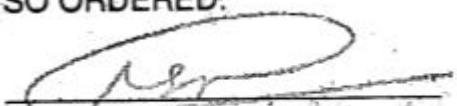
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cc: Counsel for Plaintiff (via ECF)

Defendant's Motion to Dismiss is DENIED without prejudice for failure to follow my Individual Practices in Civil Cases. *See Sec. 3.A.ii.*

The Clerk of Court is directed to terminate the motion at ECF No. 43.

Dated: May 11, 2021
White Plains, NY

SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE